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BEFORE THE ARIZONA CORPORATION COMMISSION**COMMISSIONERS**

Arizona Corporation Commission

DOCKETED

ROBERT "BOB" BURNS – Chairman
 BOYD DUNN
 SANDRA D. KENNEDY
 JUSTIN OLSON
 LEA MÁRQUEZ PETERSON

DEC 17 2019

DOCKETED BY

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IN THE MATTER OF THE COMMISSION'S
 PROPOSAL TO IMPLEMENT SAME DAY/NEXT
 DAY SERVICE PURSUANT TO A.R.S. §10-
 122(F)(3) AND §29-3213(C).

DOCKET NO. ACC-00000A-19-0213

DECISION NO. 77503**ORDER**

Open Meeting

December 11, 2019

Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Pursuant to A.R.S. §10-122(F)(3) and §29-3213(C) the Commission can implement same day/next day service for the filing of any documents or services provided under A.R.S. Titles 10 and 29.

2. A.R.S. §10-122(F)(3)(b) and §29-3213(C)(2) allow the Commission to charge a nonrefundable fee for same day/next day service.

3. Pursuant to A.R.S. §10-122(F)(3)(b) and §29-3213(C)(2), a supermajority vote of the Commission is required to implement a fee for same day/next day service.

4. Since fiscal year ("FY") 2006, the Arizona State Legislature ("Legislature") has appropriated funds for the creation and maintenance of same day/next day service.

1 5. The legislative appropriation for same day/next day service is approximately
2 \$400,000.00.

3 6. The Legislature has approved, and the Governor signed, a budget appropriating
4 \$401,200.00 in FY2020 for same day/next day service.

5 7. The Legislature's FY2020 appropriation will allow for implementation of same
6 day/next service without adversely impacting the Corporations Division's ("Division's") budget.

7 8. The Division does not currently offer same day/next day service.

8 9. On September 12, 2019, the Division caused the above-captioned docket to be opened
9 for the purpose of implementing same day/next day service and establishing the fees for such service.

10 10. Currently, the Division allows for "urgency requests," by which a customer can request
11 to have a document examined sooner than the Division's posted expedited time frame.

12 11. The Division processes urgency requests on a case-by-case basis, depending on the
13 business need of the customer.

14 12. Most of the urgency requests are from foreign (non-Arizona) entities seeking to do
15 business in Arizona. Urgency requests usually involve financial transactions that require quicker than
16 normal processing.

17 13. The Division receives 10 or more urgency requests per week.

18 14. There is a public and business need for the Commission to establish a same day/next
19 day service and a fee structure for the service.

20 15. The Division recommends that the Commission adopt the following three options for
21 same day/next service.

22 **Option 1: Two-hour Service**

23 (a) Document(s) will be examined within two hours of submission.

24 (b) Document(s) must be received before 3:00 p.m. AZ Mountain Standard Time.

25 (c) The fee will be \$400.00.

Option 2: Same Day Service

(a) Documents(s) will be examined by 5:00 p.m. AZ Mountain Standard Time on the same business day of submission.

(b) Document(s) must be received before 10:00 a.m. AZ Mountain Standard Time.

(c) The fee will be \$350.00.

Option 3: Next Day Service

(a) Document(s) will be examined by 5:00 p.m. AZ Mountain Standard Time on the next business day after submission.

(b) Document(s) must be received before 5:00 p.m. Arizona Mountain Standard Time.

(c) The fee will be \$250.00.

16. The applicable fee for same day/next day service will be charged in addition to any regular filing fee(s).

17. The same day/next day service will be available for all document filings except those that are currently auto-approved online, which are:

(a) Annual Reports;

(b) Name Reservations; and

(c) Articles of Organization (LLC formation) without an upload.

18. The same day/next day service will not guarantee approval of submitted document(s) and only guarantees that the document(s) will be examined within the stated timeframes.

19. If the filing is submitted online on a Saturday, Sunday or Arizona State observed holiday, the start time of the selected same day/next day service begins at 8:00 a.m. on the next business day.

20. The funds generated from the same day/next service fees will be directed to the general fund.

21. Between September 23 and October 4, 2019, the Commission received nine comments supporting the creation of same day/next day service. Three of the comments suggested changes to the proposed fees.

23. We find the recommended fee for the Two-Hour Service is appropriate given the value of the service and is in keeping with fees charged for similar service in other jurisdictions. The recommended fees, however, for the same day/next day services are too high and are not in line with fees charged in other jurisdictions for similar services. Accordingly, we find it is appropriate to set the Same Day Service fee at \$200 and the Next Day Service fee at \$100.

23. We find the recommended fee for the Two-Hour Service is appropriate given the value of the service and is in keeping with fees charged for similar service in other jurisdictions. The recommended fees, however, for the same day/next day services are too high and are not in line with fees charged in other jurisdictions for similar services. Accordingly, we find it is appropriate to set the Same Day Service fee at \$200 and the Next Day Service fee at \$100.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §10-122(F)(3) and §29-3213(C), the Commission by supermajority vote can implement and establish fees for same day/next day service for documents and services provided pursuant to A.R.S. Titles 10 and 29.

2. It is reasonable and in the public interest that the three options for same day/next day service as described herein be accepted and implemented.

This order has been adopted by the supermajority vote required by A.R.S. §10-122(F)(3)(b) and §29-3213(C)(2).

ORDER

IT IS THEREFORE ORDERED that the fees for same day/next day service under A.R.S. §10-122(F)(3) and §29-3213(C) shall be as follows:

Two-Hour Service \$400.00

Same Day Service	\$200.00
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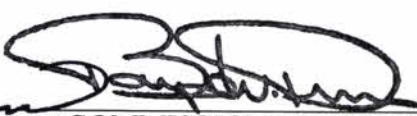



Next Day Service \$100.00

IT IS FURTHER ORDERED that the fees for the same day/next day service approved herein shall be charged in addition to any regular filing fees.

IT IS FURTHER ORDERED that the Commission's Corporations Division shall implement same day/next day service and begin charging the approved fees for such on February 3, 2020.

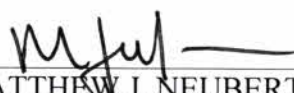
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN BURNS	COMMISSIONER DUNN	COMMISSIONER KENNEDY
		
COMMISSIONER OLSON	COMMISSIONER MARQUEZ PETERSON	



IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 17 day of December 2019.


MATTHEW J. NEUBERT
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SERVICE LIST FOR: Commission's Proposal to Implement Same Day/Next Day Service

DOCKET NO.: ACC-00000A-19-0213

Robin Mitchell, Director

Legal Division

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Consented to Service by Email